

AN ORDINANCE 2006 - 01 - 12 - 60 -

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY
OF SAN ANTONIO BY AMENDING CHAPTER 35, UNIFIED
DEVELOPMENT CODE, SECTION 35-304, OF THE CITY
CODE OF SAN ANTONIO, TEXAS BY CHANGING THE
ZONING DISTRICT BOUNDARY OF CERTAIN PROPERTY.**

* * * * *

WHEREAS, a public hearing was held regarding this amendment to the Official Zoning Map at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding this amendment to the Official Zoning Map of the City of San Antonio; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 35, Unified Development Code, Section 35-304, Official Zoning Map, of the City Code of San Antonio, Texas is amended by changing the zoning district boundary of Lot 28, NCB 10946, as further described in Exhibit A attached hereto and incorporated herein for all purposes, from "MF-33" Multi-Family District to PUD "MF-33" Multi-Family Planned Unit Development District.

SECTION 2. This change of zoning district boundary is conditioned on the requirement that the single-family dwellings do not exceed 11 units per acre.

SECTION 3. All other provisions of Chapter 35 except those expressly amended by this ordinance shall remain in full force and effect including the penalties for violations as made and provided for in Section 35-491.

SECTION 4. The Director of Development Services shall change the zoning records and maps in accordance with this ordinance and the same shall be available and open to the public for inspection.

SECTION 5. This ordinance shall become effective immediately upon passage if passed by eight or more votes otherwise this ordinance shall become effective January 22, 2006.

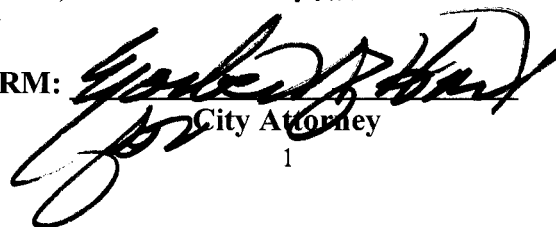
PASSED AND APPROVED this 12th day of January, 2006.


M A Y O R

PHIL HARDBERGER

ATTEST: 
City Clerk

APPROVED AS TO FORM:


City Attorney

January 6, 2006

FIELD NOTES
For a
1.5116 Acre Tract
Utopia Lane, San Antonio, Texas

Being the remaining 1.5116 acres of land out of Lot 28, N.C.B. 10946, as recorded in Vol. 5140, page 83 of the Deed and Plat Records of Bexar County, Texas, and being more particularly described as follows:

Beginning at an iron pin found at the intersection of the North right-of-way line of Utopia Lane and the South cut-back line of the South right-of-way line of Interstate Highway No. 37 for the Southeast corner of the herein described tract of land;

THENCE; following the North right-of-way line of Utopia Lane, S 89° 05' 30" W, a total distance of 258.05 feet to an iron pin set for the Southwest corner of said tract of land;

THENCE; departing the North right-of-way line of Utopia Lane, N 37° 37' 04" W, a total distance of 377.91 feet to an iron pin found for the Northwest corner of the herein described tract of land, and being on the South right-of-way line of Interstate Highway No. 37;

THENCE; along the South right-of-way line of Interstate Highway No. 37, S 69° 12' 08" E, a total distance of 312.91 feet to an iron pin set for an angle point;

THENCE; continuing along the South right-of-way line of Interstate Highway No. 37, S 66° 19' 25" E, a total distance of 225.02 feet to an iron pin being the Northeast corner of the herein described tract of land and being an angle point for the beginning of the right-of-way cut-back;

THENCE; following said cut-back, S 13° 58' 01" E, a total distance of 50.18 feet to an iron pin found at an angle point on said cut-back line;

THENCE; continuing along said cut back line, S 26° 01' 58" W, a total distance of 50.18 feet to the Point of Beginning and containing 1.5116 acres of land.



01/06/06

George Ozuna Jr.
George Ozuna, Jr., P.E., R.P.L.S.
Registered Professional Land Surveyor

EXHIBIT A

To Ordinance No. _____
Passed and Approved on
January 12, 2006

[illegible]

CASE NO: Z2005265

Staff and Zoning Commission Recommendation - City Council

Date: January 12, 2006

Zoning Commission Meeting Date: December 06, 2005

Council District: 3

Ferguson Map: 651 F6

Appeal:

Applicant: Owner

Michael D. McLean

Michael D. McLean

Zoning Request: From "MF-33" Multi-Family District to PUD "MF-33" Multi-Family Planned Unit Development District

1.494 acres out of NCB 10946

Property Location: 471 Utopia Lane

Proposal: To develop a Planned Unit Development

Neighborhood Association: Highland Hills Neighborhood Association

Neighborhood Plan: South Central San Antonio Community Plan

TIA Statement: A Traffic Impact Analysis is not required

Staff Recommendation:

Consistent

The applicant has submitted a revised PUD draft plan that displays one single-family detached unit per lot and a density of 11 units per acre. The applicant's revised proposed development of the property is consistent with the South Central San Antonio Community Plan.

Approval, with the condition that the development consists of single-family dwellings only and does not exceed 11 units per acre.

The subject property has had a residential zoning classification as early as 1960. The "B" zoning district was rezoned to the "D" multi-family district in 1964, later converting to "R-3" with the adoption of the 1965 zoning ordinance. After the adoption of the 2001 Unified Development Code, the zoning converted to the "MF-33" zoning district. The applicant is proposing a development consisting of about 15 lots with duplexes and access to the lots by a private street.

A condition that limits the number of single-family units to 11 per acre, or 16 total, would be the equivalent of an "R-4" Single-Family Residential district and provide consistency with the plan's low density residential guideline. A PUD project consisting of multi-family units and/or more than 11 units per acre will require an amendment to the South Central San Antonio Community Plan. The applicant may construct a multi-family development up to 33 units per acre with the existing base zoning and without a plan amendment.

CASE NO: Z2005265

Staff and Zoning Commission Recommendation - City Council

Zoning Commission Recommendation:

Approval of single-family dwellings not to exceed 11 units per acre.

CASE MANAGER : Matthew Taylor 207-5876

VOTE

FOR	10
AGAINST	0
ABSTAIN	0
RECUSAL	0

Z2005265

ZONING CASE NO. Z2005265 – December 6, 2005

Applicant: Michael D. McLean

Zoning Request: "MF-33" Multi-Family District to PUD "MF-33" Multi-Family Planned Unit Development District.

Mike McLean, 3236 Crystal Path, stated that they are requesting the change of zoning to develop a Planned Unit Development. He further stated that the units will be single-family shared wall units and there will be 11 units per acre. He stated that he has met with Ms. Villarreal, President of the Highland Hills Neighborhood Association and they are in support of the development.

FAVOR

Cristel Villarreal, 162 Harcourt, representing the Highland Hills Neighborhood Association, stated that she has met with the applicant and is in support of townhome development.

Staff stated there were 13 notices mailed out to the surrounding property owners, 0 returned in opposition and 0 returned in favor and there was no response from the Highland Hills Neighborhood Association.

Everyone present, for and against having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

FINDING OF CONSISTENCY OF THE MASTER PLAN

COMMISSION ACTION

The motion was made by Commissioner Farias and seconded by Commissioner Kissling to find consistency with the neighborhood plan.

AYES: Martinez, Robbins, Rodriguez, Farias, Marshall, Sherrill, Avila, Kissling,
Stribling, Gray

NAYS: None

THE MOTION CARRIED.

Z2005265

COMMISSION ACTION

The motion was made by Commissioner Farias and seconded by Commissioner Marshall to recommend approval with the condition that the development does not exceed 11 units per acre.

1. Property is located on 1.494 acres out of NCB 10946 at 471 Utopia Lane.
2. There were 13 notices mailed, 0 returned in opposition and 0 in favor.
3. Staff recommends approval with the condition that the development consists of single-family dwellings only and does not exceed 11 units per acre.

AYES: Martinez, Robbins, Rodriguez, Farias, Marshall, Sherrill, Kissling, Avila, Stribling, Gray

NAYS: None

THE MOTION CARRIED

RESULTS OF NOTICE FOR COUNCIL HEARING

To be provided at Council hearing.